

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

Anthony Matthews,

Plaintiff,

v.

**Case No. 3:18-cv-026
Judge Thomas M. Rose**

Dayton Police Department, et al.,

Defendants.

DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE NEWMAN (ECF 35) THAT PRO SE PLAINTIFF'S FEDERAL CLAIMS BE DISMISSED PURSUANT TO 28 U.S.C. § 1915(e)(2)(B); THAT DEFENDANT SANDY'S TOWING AND RECOVERY'S MOTION FOR JUDGMENT ON THE PLEADINGS (ECF 17) BE DENIED AS MOOT; THAT THE COURT DECLINE TO EXERCISE SUPPLEMENTAL JURISDICTION OVER PRO SE PLAINTIFF'S STATE LAW CLAIMS; AND THAT THIS CASE BE TERMINATED ON THE COURT'S DOCKET. THE COURT ADDITIONALLY FINDS MOOT PLAINTIFF'S MOTION FOR A WRIT OF MANDAMUS. (ECF 37).

Pending before the Court is a Report and Recommendations of United States Magistrate Judge Michael J. Newman, (ECF 35), that recommends that *pro se* Plaintiff's federal claims be dismissed *sua sponte* under 28 U.S.C. § 1915(e) for failure to state a claim; that Defendant Sandy's Motion for Judgment on the Pleadings (ECF 17) be denied as moot; and that the Court decline to exercise supplemental jurisdiction over Plaintiff's state law claims.

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court

has made a *de novo* review of the record in this case. Upon said review, the Court finds that the Report and Recommendation is correct. Wherefore, the Court **ADOPTS** Report and Recommendations of United States Magistrate Judge Michael J. Newman, (ECF 35), and **DISMISSES** *pro se* Plaintiff's federal claims *sua sponte* under 28 U.S.C. § 1915(e) for failure to state a claim; **DENIES AS MOOT** Defendant Sandy's Motion for Judgment on the Pleadings (ECF 17) and Plaintiff's Motion for Writ of Mandamus (ECF 37); **DECLINES** to exercise supplemental jurisdiction over Plaintiff's state law claims; and **TERMINATES** this case on the of the District Court of the United States for the Southern District of Ohio, Western Division at Dayton.

DONE and **ORDERED** this Wednesday, October 3, 2018.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE